

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Katsuhiro KANO et al.

Application No.: 10/593,786

Confirmation No.: 4027

Filed: March 24, 2005

Art Unit: Not Yet Assigned

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For: SUBTYPES OF HUMANIZED ANTIBODY  
AGAINST INTERLEUKEN-6 RECEPTOR

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Examiner: Not Yet Assigned

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a)**

MS PCT  
ATTN: Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants request withdrawal of abandonment for the above-referenced application. Applicants have received a Notification of Abandonment dated October 5, 2009. The Notice of Abandonment states that the application is abandoned because of Applicants' failure to timely file a proper reply to the notification of Missing Requirements mailed June 27, 2008.

Applicants, in fact, did respond to the notice on August 26, 2008, after which they received a Notification of Defective Response, date March 20, 2009. Once again a response was filed on April 20, 2009. In reviewing PAIR, it was discovered that the Sequence Listing submitted had been reviewed on August 7, 2009, and was found once again to be defective by the reviewer, but a notice indicating that our computer readable form (CRF) was defective was never mailed to us.

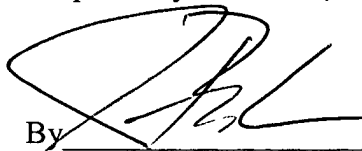
Therefore, we are attaching the following to this report:

1. Copy of Notification of Abandonment;
2. Statement Under 37 CFR 1.825(a) and 1.825(b);
3. Paper copy of the Sequence Listing;
4. Copy of Sequence Listing Validation Report;
5. Copy of Image File Wrapper from PAIR;
6. Computer disk containing the Sequence Listing in ASCII format;
7. Preliminary Amendment.

For the reasons stated herein, Applicants respectfully request that this Notice of Abandonment be promptly withdrawn.

Dated: December 4, 2009

Respectfully submitted,



By

Jonathan Bockman

Registration No.: 45,640  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102  
(703) 760-7769



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,786	Katsuhiro Kano	350292003100

25227  
MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 400  
MCLEAN, VA 22102

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/JP2005/006229

I.A. FILING DATE	PRIORITY DATE
03/24/2005	03/24/2004

CONFIRMATION NO. 4027

371

ABANDONMENT/TERMINATION  
LETTER



\*OC000000038091701\*

Date Mailed: 10/05/2009

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 06/27/2008 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

ANITA D JOHNSON

Telephone: (571) 272-0386

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Katsuhiro KANO et al.

Application No.: 10/593,786

Confirmation No.: 4027

Filed: March 24, 2005

Art Unit: Not Yet Assigned

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For: SUBTYPES OF HUMANIZED ANTIBODY  
AGAINST INTERLEUKEN-6 RECEPTOR

---

Examiner: Not Yet Assigned

**STATEMENT UNDER 37 C.F.R. 1.825(a) and 1.825(b)**

MS PCT  
ATTN: Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states that the content of the attached paper copy of the substitute Sequence Listing and the computer readable copy of the substitute Sequence Listing submitted in accordance with 37 C.F.R. §§ 1.821-1.825, are identical. The submission of the substitute Sequence Listing does not include new matter.

The substitute Sequence Listing enclosed herewith has been amended to facilitate its administrative processing, and not for reasons related to patentability.

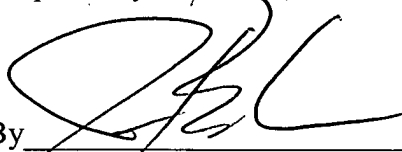
Applicants request consideration and entry of the Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and

authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **350292003100**.

Dated: December 4, 2009

Respectfully submitted,



By  
Jonathan Bockman

Registration No.: 45,640  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102  
(703) 760-7769

# SEQUENCE LISTING

<110> KANO, Katsuhiko  
TERASHIMA, Isamu

<120> SUBTYPES OF HUMANIZED ANTIBODY AGAINST  
INTERLEUKIN-6 RECEPTOR

<130> 35029-20031.00

<140> US 10/593,786

<141> 2005-03-24

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<150> JP 2004-087578

<151> 2004-03-24

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<212> PRT

<213> Artificial Sequence

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<223> Amino acid sequence of H chain of humanized  
antibody PM-1 against interleukin-6 receptor

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Thr	Leu	Ser	Leu	Thr	Cys	Thr	Val	Ser	Gly	Tyr	Ser	Ile	Thr	Ser	Asp
			20					25					30		
His	Ala	Trp	Ser	Trp	Val	Arg	Gln	Pro	Pro	Gly	Arg	Gly	Leu	Glu	Trp
		35					40					45			
Ile	Gly	Tyr	Ile	Ser	Tyr	Ser	Gly	Ile	Thr	Thr	Tyr	Asn	Pro	Ser	Leu
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Lys	Ser	Arg	Val	Thr	Met	Leu	Arg	Asp	Thr	Ser	Lys	Asn	Gln	Phe	Ser
65					70					75				80	
Leu	Arg	Leu	Ser	Ser	Val	Thr	Ala	Ala	Asp	Thr	Ala	Val	Tyr	Tyr	Cys
				85					90					95	
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Ser	Leu	Val	Thr	Val	Ser	Ser	Ala	Ser	Thr	Lys	Gly	Pro	Ser	Val	Phe
		115					120					125			
Pro	Leu	Ala	Pro	Ser	Ser	Lys	Ser	Thr	Ser	Gly	Gly	Thr	Ala	Ala	Leu
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Ser	Ser	Leu	Gly	Thr	Gln	Thr	Tyr	Ile	Cys	Asn	Val	Asn	His	Lys	Pro
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225					230					235					240
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<212> PRT

<213> Artificial Sequence

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<223> Amino acid sequence of L chain of humanized  
antibody PM-1 against interleukin-6 receptor

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Leu	Asn	Trp	Tyr	Gln	Gln	Lys	Pro	Gly	Lys	Ala	Pro	Lys	Leu	Leu	Ile
	35					40					45				
Tyr	Tyr	Thr	Ser	Arg	Leu	His	Ser	Gly	Val	Pro	Ser	Arg	Phe	Ser	Gly
	50				55					60					
Ser	Gly	Ser	Gly	Thr	Asp	Phe	Thr	Phe	Thr	Ile	Ser	Ser	Leu	Gln	Pro
65				70						75				80	
Glu	Asp	Ile	Ala	Thr	Tyr	Tyr	Cys	Gln	Gln	Gly	Asn	Thr	Leu	Pro	Tyr

				85					90					95					
Thr	Phe	Gly	Gln	Gly	Thr	Lys	Val	Glu	Ile	Lys	Arg	Thr	Val	Ala	Ala				
			100					105					110						
Pro	Ser	Val	Phe	Ile	Phe	Pro	Pro	Ser	Asp	Glu	Gln	Leu	Lys	Ser	Gly				
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Thr	Ala	Ser	Val	Val	Cys	Leu	Leu	Asn	Asn	Phe	Tyr	Pro	Arg	Glu	Ala				
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Lys	Val	Gln	Trp	Lys	Val	Asp	Asn	Ala	Leu	Gln	Ser	Gly	Asn	Ser	Gln				
145				150					155						160				
Glu	Ser	Val	Thr	Glu	Gln	Asp	Ser	Lys	Asp	Ser	Thr	Tyr	Ser	Leu	Ser				
			165					170						175					
Ser	Thr	Leu	Thr	Leu	Ser	Lys	Ala	Asp	Tyr	Glu	Lys	His	Lys	Val	Tyr				
		180					185						190						
Ala	Cys	Glu	Val	Thr	His	Gln	Gly	Leu	Ser	Ser	Pro	Val	Thr	Lys	Ser				
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Ser Leu Ser Leu Ser Pro Xaa  
1 5

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Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: markspencer

Timestamp: [year=2009; month=8; day=7; hr=14; min=22; sec=40; ms=727; ]

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\*\*\*\*\*

Reviewer Comments:

1.

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E201	Mandatory field data missing in <222> in SEQ ID (1)
E334	Range not specified in <222> in SEQ ID (1)
E224	<220>,<223> section required as <213> has Artificial sequence or Unknown in SEQID (1)
W213	Artificial or Unknown found in <213> in SEQ ID (2)
E201	Mandatory field data missing in <221> in SEQ ID (2)
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E334	Range not specified in <222> in SEQ ID (2)
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<211>448

<212>PRT

<213>Artificial Sequence

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<223>Amino acid sequence of C chain of humanized antibody PM-1 against interleukin-6 receptor

\* \* \* \* \*

<210>2

<211>214

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<213>Artificial Sequence  
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<222>  
<223>Amino acid sequence of L chain of humanized antibody PM-1 against  
interleukin-6 receptor  
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For SEQ ID # 1 and 2, please remove numeric identifiers <221> and <222>  
from the feature provided in these Sequences. Numeric identifier <221>  
and <222> are not need as part of the mandatory feature necessary when  
using Artificial Sequence in numeric identifier <213>.

Please provide a space between the numeric identifiers in these  
sequences and their responses. Using SEQ ID # 1 as an example your  
sequences should look like the following.

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<212> PRT  
<213> Artificial Sequence  
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interleukin-6 receptor  
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Application No: 10593786

Version No: 2.0

Input Set:

Output Set:

Started: 2009-07-20 14:43:11.992

Finished: 2009-07-20 14:43:14.458

Elapsed: 0 hr(s) 0 min(s) 2 sec(s) 466 ms

Total Warnings: 2

Total Errors: 8

No. of SeqIDs Defined: 2

Actual SeqID Count: 2

Error code	Error Description
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E 201	Mandatory field data missing in <221> in SEQ ID (1)
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W 213	Artificial or Unknown found in <213> in SEQ ID (2)
E 201	Mandatory field data missing in <221> in SEQ ID (2)
E 201	Mandatory field data missing in <222> in SEQ ID (2)
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E 224	<220>,<223> section required as <213> has Artificial sequence or Unknown in SEQID (2)

# SEQUENCE LISTING

<110> KANO, Katsuhiro  
TERASHIMA, Isamu

<120> SUBTYPES OF HUMANIZED ANTIBODY AGAINST INTERLEUKIN-6 RECEPTOR

<130> 35029-20031.00

<140> 10593786

<141> 2009-07-20

<150> PCT/JP2005/006229

<151> 2005-03-24

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<212>PRT

<213>Artificial Sequence

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<221>

<222>

<223>Amino acid sequence of C chain of humanized antibody PM-1 against interleukin-6 receptor

<400>1

Gln	Val	Gln	Leu	Gln	Glu	Ser	Gly	Pro	Gly	Leu	Val	Arg	Pro	Ser	Gln	5	10	15
Thr	Leu	Ser	Leu	Thr	Cys	Thr	Val	Ser	Gly	Tyr	Ser	Ile	Thr	Ser	Asp	20	25	30
His	Ala	Trp	Ser	Trp	Val	Arg	Gln	Pro	Pro	Gly	Arg	Gly	Leu	Glu	Trp	35	40	45
Ile	Gly	Tyr	Ile	Ser	Tyr	Ser	Gly	Ile	Thr	Thr	Tyr	Asn	Pro	Ser	Leu	50	55	60
Lys	Ser	Arg	Val	Thr	Met	Leu	Arg	Asp	Thr	Ser	Lys	Asn	Gln	Phe	Ser	65	70	75
Leu	Arg	Leu	Ser	Ser	Val	Thr	Ala	Ala	Asp	Thr	Ala	Val	Tyr	Tyr	Cys	85	90	95
Ala	Arg	Ser	Leu	Ala	Arg	Thr	Thr	Ala	Met	Asp	Tyr	Trp	Gly	Gln	Gly	100	105	110
Ser	Leu	Val	Thr	Val	Ser	Ser	Ala	Ser	Thr	Lys	Gly	Pro	Ser	Val	Phe	115	120	125
Pro	Leu	Ala	Pro	Ser	Ser	Lys	Ser	Thr	Ser	Gly	Gly	Thr	Ala	Ala	Leu	130	135	140
Gly	Cys	Leu	Val	Lys	Asp	Tyr	Phe	Pro	Glu	Pro	Val	Thr	Val	Ser	Trp	145	150	155
Asn	Ser	Gly	Ala	Leu	Thr	Ser	Gly	Val	His	Thr	Phe	Pro	Ala	Val	Leu	165	170	175
Gln	Ser	Ser	Gly	Leu	Tyr	Ser	Leu	Ser	Ser	Val	Val	Thr	Val	Pro	Ser	180	185	190
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Thr His Thr Cys Pro Pro Cys Pro Ala Pro Glu Leu Leu Gly Gly Pro
225                230                235                240
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Arg Thr Pro Glu Val Thr Cys Val Val Val Asp Val Ser His Glu Asp
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Ala Lys Thr Lys Pro Arg Glu Glu Gln Tyr Asn Ser Thr Tyr Arg Val
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Ser Arg Trp Gln Gln Gly Asn Val Phe Ser Cys Ser Val Met His Glu
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<210>2

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<213>Artificial Sequence

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<223>Amino acid sequence of L chain of humanized antibody PM-1 against interleukin-6 receptor

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Leu Asn Trp Tyr Gln Gln Lys Pro Gly Lys Ala Pro Lys Leu Leu Ile
                35                40                45
Tyr Tyr Thr Ser Arg Leu His Ser Gly Val Pro Ser Arg Phe Ser Gly
                50                55                60
Ser Gly Ser Gly Thr Asp Phe Thr Phe Thr Ile Ser Ser Leu Gln Pro
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Glu Asp Ile Ala Thr Tyr Tyr Cys Gln Gln Gly Asn Thr Leu Pro Tyr
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Thr Phe Gly Gln Gly Thr Lys Val Glu Ile Lys Arg Thr Val Ala Ala
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Pro Ser Val Phe Ile Phe Pro Pro Ser Asp Glu Gln Leu Lys Ser Gly
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Thr Ala Ser Val Val Cys Leu Leu Asn Asn Phe Tyr Pro Arg Glu Ala

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Ser Thr Leu Thr Leu Ser Lys Ala Asp Tyr Glu Lys His Lys Val Tyr					
	180		185		190
Ala Cys Glu Val Thr His Gln Gly Leu Ser Ser Pro Val Thr Lys Ser					
	195		200		205
Phe Asn Arg Gly Glu Cys					
210					

10/593,786 Subtypes of humanized antibody against interleukin-6 receptor

12-04-  
2009::12:50:50

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

**Bibliographic Data**

Mail Room Date	Document Code	Document Description	Document Category	Page Count
10-05-2009	ABN	<b>Abandonment</b>	<b>PROSECUTION</b>	1
08-07-2009	CRFD	Computer Readable Form (CRF) for Sequence Listing - Defective <i>never rec'd.</i>	PROSECUTION	6
07-02-2009	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
07-02-2009	FOR	Foreign Reference	PRIOR ART	21
07-02-2009	FOR	Foreign Reference	PRIOR ART	10
07-02-2009	NPL	NPL Documents	PRIOR ART	6
07-02-2009	NPL	NPL Documents	PRIOR ART	4
07-02-2009	NPL	NPL Documents	PRIOR ART	78
07-02-2009	NPL	NPL Documents	PRIOR ART	6
07-02-2009	NPL	NPL Documents	PRIOR ART	15
07-02-2009	NPL	NPL Documents	PRIOR ART	4
07-02-2009	NPL	NPL Documents	PRIOR ART	10
07-02-2009	NPL	NPL Documents	PRIOR ART	10
07-02-2009	NPL	NPL Documents	PRIOR ART	6
07-02-2009	NPL	NPL Documents	PRIOR ART	9
07-02-2009	371P	Documents submitted with 371 Applications	PROSECUTION	2
07-02-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	4
07-02-2009	TRAN.LET	Transmittal Letter	PROSECUTION	3
07-02-2009	TRAN.LET	Transmittal Letter	PROSECUTION	2
04-20-2009	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	3
04-20-2009	CRFD	Computer Readable Form (CRF) for Sequence Listing - Defective	PROSECUTION	4
04-20-2009	SEQLIST	Sequence Listing	PROSECUTION	2
04-20-2009	SEQ.TXT	Sequence Listing (Text File)	PROSECUTION	1
03-20-2009	371.RES.DEF	371 Defective Response - Form M916	PROSECUTION	2
03-20-2009	IMIS	Miscellaneous Internal Document	PROSECUTION	1
02-12-2009	CRFD	Computer Readable Form (CRF) for Sequence Listing - Defective	PROSECUTION	4
08-26-2008	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	5
08-26-2008	OATH	Oath or Declaration filed	PROSECUTION	3
08-26-2008	CRFS	CRF Statement Paper and CRF are the same	PROSECUTION	2
08-26-2008	SEQLIST	Sequence Listing	PROSECUTION	2
08-26-2008	SEQ.TXT	Sequence Listing (Text File)	PROSECUTION	1
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